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March 26, 2004

RECEIVED

MAR 26 2004

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
The Portals
445 12th Street, N.W.
Washington, DC 20554

**Re: Amendment of Section 73.202(b)
FM Table of Allotments
FM Broadcast Stations
(Tell City and Cannelton, Indiana)**

Dear Ms. Dortch:

Transmitted herewith on behalf of Hancock Communications, Inc. is an original and four (4) copies of its Petition for Rulemaking seeking the commencement of a rulemaking proceeding to amend the FM table of allotments.

Should any questions arise concerning this matter, please contact this office.

Respectfully submitted,


Howard J. Barr

Enclosures

No. of Copies rec'd 0+4
List ABCDE
mb 04-68

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

RECEIVED

MAR 26 2004

**FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY**

In Re: Matter of)
)
Amendment of Section 73.202(b),) MM Docket No. 04-
Table of Allotments,) RM-
FM Broadcast Stations.)
)
(Tell City and Cannelton, Indiana))

To: The Chief, Audio Division

PETITION FOR RULEMAKING

Hancock Communications, Inc. ("Hancock"), pursuant to Sections 1.401(a) and 1.420 of the Commission's rules, by counsel, hereby respectfully requests that Section 73.202(b) of the Commission's rules (the FM Table of Allotments) be amended as follows:

<u>Community</u>	<u>Existing</u>	<u>Proposed</u>	<u>Coordinates</u>
Cannelton, IN	275C3	289A	N37-48-13 W86-48-57 (13.8 km @207.7 Deg T)
Tell City, IN	289A	275C3	N37-50-28 W86-35-50 (20.25 km @112.5 Deg T)

Concurrent with this relief, Hancock requests that the license of station WTCJ-FM, Tell City, Indiana, be modified to specify operation on Channel 289A with a community of license of Cannelton, Indiana and that the license of WLME(FM), Cannelton, Indiana, be modified to specify operation on Channel 275C3 at Tell City, Indiana. Hancock is the licensee of both WLME(FM) and WTCJ-FM.

The following is shown in support thereof:

1. As shown in the attached Technical Report, this allotment may be made in compliance with the Commission's current separation and allocation requirements and that the

proposed reallocations are mutually exclusive with the existing licensed facilities.¹ The Technical Report further demonstrates that the reallocation proposed herein would result in a preferential arrangement of allotments pursuant to the Commission's change of community procedures. Modification of FM and TV Authorizations to Specify a New Community of License, 4 FCC Rcd 4870 (1989), recon. granted in part, 5 FCC Rcd 7094 (1990).

TELL CITY, INDIANA

2. The proposed reallocation of WLME(FM) to Tell City, Indiana may be made in compliance with the Commission's current separation and allocation requirements.² The proposed allocation site will provide a 70 dBu service to all of Tell City and provides line of site to the community.³ Exhibit E-2D of the Technical Report shows a loss area of 535 sq. km including a population of 10,004, however that exhibit also demonstrates that the loss area will continue to receive at least five full time FM services and will therefore remain well served.⁴

3. This proposal would remove the sole local service from Cannelton, Indiana, however, as discussed herein, Hancock proposes the allotment of Channel 289A (WTCJ-FM) to Cannelton such that the Cannelton community will not be without its first local service.

CANNELTON, INDIANA

4. The proposed reallocation of WTCJ-FM to Cannelton, Indiana may be made in compliance with the Commission's current separation and allocation requirements.⁵ The proposed allocation site will provide a 70 dBu service to all of Cannelton and provides line of site to the community.⁶ Exhibit E-1D of the Technical Report shows that the resultant loss area will continue to receive at least five full time FM services and will therefore remain well served.⁷

¹ Exhibit One, Technical Report of Charles M. Anderson.

² Technical Report at Exhibit E-2A

³ Technical Report at Exhibits E-2B and E-2C.

⁴ The Commission has considered five or more reception services to be "abundant." *Family Broadcasting Group*, 53 RR 2d 662 (Rev. Bd. 1983), *rev denied* FCC 83-559 (Nov. 29, 1983).

⁵ Technical Report at Exhibit E-1A.

⁶ Technical Report at Exhibits E-1B and E-1C.

⁷ The Commission has considered five or more reception services to be "abundant." *Family Broadcasting Group*, 53 RR 2d 662 (Rev Bd 1983), *rev denied* FCC 83-559 (Nov. 29, 1983).

5. The WTCJ-FM reallocation results in a gain in population served of 58,859 compared to the loss area's population of 6,242 resulting in a net gain of 52,617. Taking into account the net loss of population of 3,397 due to the WLME(FM) reallocation, the proposed reallocations will still result in a net gain in population of 49,220.

6. Both Cannelton and Tell City are unquestionably communities for purposes of allotment. Because of the service gains that will result from a grant of this proposal, the proposed will result in a preferential arrangement of allotments. *Revision of FM Assignment Policies and Procedures*, 90 FCC 2d 88 (1982); *Amendment of the Commission's Rules Regarding Modification of FM and TV Authorizations to Specify a New Community of License*, 4 FCC Rcd 4870 (1989). The Commission has previously found a swap such as that proposed here to be in the public interest. *Sauk Centre and Alexandria, Minnesota*, 16 FCC Rcd 9443 (AB 2001).

7. The proposed Cannelton backfill allotment does not raise the concerns the Commission voiced when it directed the Media Bureau to cease from the practice of allotting new "backfill" FM allotments to "preserve" a community's sole local transmission service since no new allotments are proposed here. *Refugio, Texas*, 18 FCC Rcd 2291 ¶ 15 (2003) (an uncertain and time consuming process; intractable spectrum entanglements). The backfill proposed here involves currently licensed and operating stations that can be reallocated to the communities being vacated in compliance with local service floor requirements. *Id.*


8. Hancock certifies that it has a present intention to apply for the new channel when allotted, and when authorized will modify the facilities promptly and commence operation on Channel 289A at Cannelton, Indiana and 275C3 at Tell City, Indiana.

WHEREFORE, for the foregoing reasons, Hancock Communications, Inc. respectfully requests that the Commission commence a rule making proceeding to reallocate Channel 289A from Tell City to Cannelton, Indiana and to modify the license of WTCJ-FM to specify operation on Channel 289A at Cannelton, Indiana and to reallocate Channel 275C3 from Cannelton, Indiana to

Tell City, Indiana and to modify the license of WLME(FM) to specify operation on Channel 275C3 at Tell City, Indiana.

Respectfully submitted,

HANCOCK COMMUNICATIONS, INC.

By: 

John F. Garziglia
Howard J. Barr
Its Attorneys

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March 26, 2004

WASHINGTON 110785v1

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TECHNICAL REPORT

This technical report has been developed in support of a petition for rulemaking seeking the reallocation of channel WTCJ-FM's 289A from Tell City, In to Cannelton, In and the simultaneous reallocation of WLME-FM's 275C3 from Cannelton, IN to Tell City, IN.

Community	Existing	Proposed	Coordinates
Cannelton, IN	275C3	289A	N37-48-13 W86-48-57 (13.48 KM @207.7 Deg T)
Tell City, IN	289A	275C3	N37-50-28 W86-35-50 (20.25 km @112.5 Deg T)

I. Allocation Analyses:

An allocation study is included as Exhibit E-1A demonstrating that the proposed allotment of WTCJ-FM's 289A to Cannelton, IN fully meets Section 73.207 separation requirements. Exhibit E-1B demonstrates that the proposed reallocation will provide a 70 dBu to the entire community of Cannelton. Exhibit E-1C demonstrates line of sight to Cannelton from the proposed allocation point utilizing a 150 meter tower. Exhibit E-1D shows that the loss area resulting from the reallocation of WTCJ-FM's 289A receives five or more fulltime FM aural services.

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The WTCJFM reallocation results in a gain in population served of 58,859 compared to the loss area's population of 6,242. This net gain of 52,617 is further reduced by the simultaneous WLME reallocation net loss of population of 3,397. This results in a net gain in population for the two reallocations of 49,220.

The proposed WLME reallocation to Tell city meets Section 73.207 separation requirements as demonstrated by E-2A; provides 70 dBu service to all of Tell City as demonstrated by E-2B; and, provides line of sight as indicated by E-2C. The loss area identified in E-2D is 535 sq km including a population of 10,004. However, E-2D also shows that the loss area is well served receiving five (5) or more fulltime FM services.

All allocation exhibits were prepared using V-Soft's FMCONT, PROBE III and the 30 second NGDC terrain database. Existing services were plotted using uniform maximum class 60 dBu contours for all class of station except Class C for which actual licensed contours were used. The existing WTCJ-FM directional, licensed contour was used since it is impossible to achieve a uniform circular contour from the short spaced licensed site. Use of a uniform contour would not result in any loss area not presently served by five or more fulltime aural signals.

III. Conclusion:

It is concluded that the reallocation of WTCJ-FM's 289A to Cannelton, IN and WLME(FM)'s 275C3 to Tell City, IN will result in a net population gain of

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49,222 (+99.5% compared to the existing population served of 40,412). The
proposal is in full compliance with the Commission's allocation rules and policies.



Charles M. Anderson 03-25-2004
charlesmanderson@bellsouth.net

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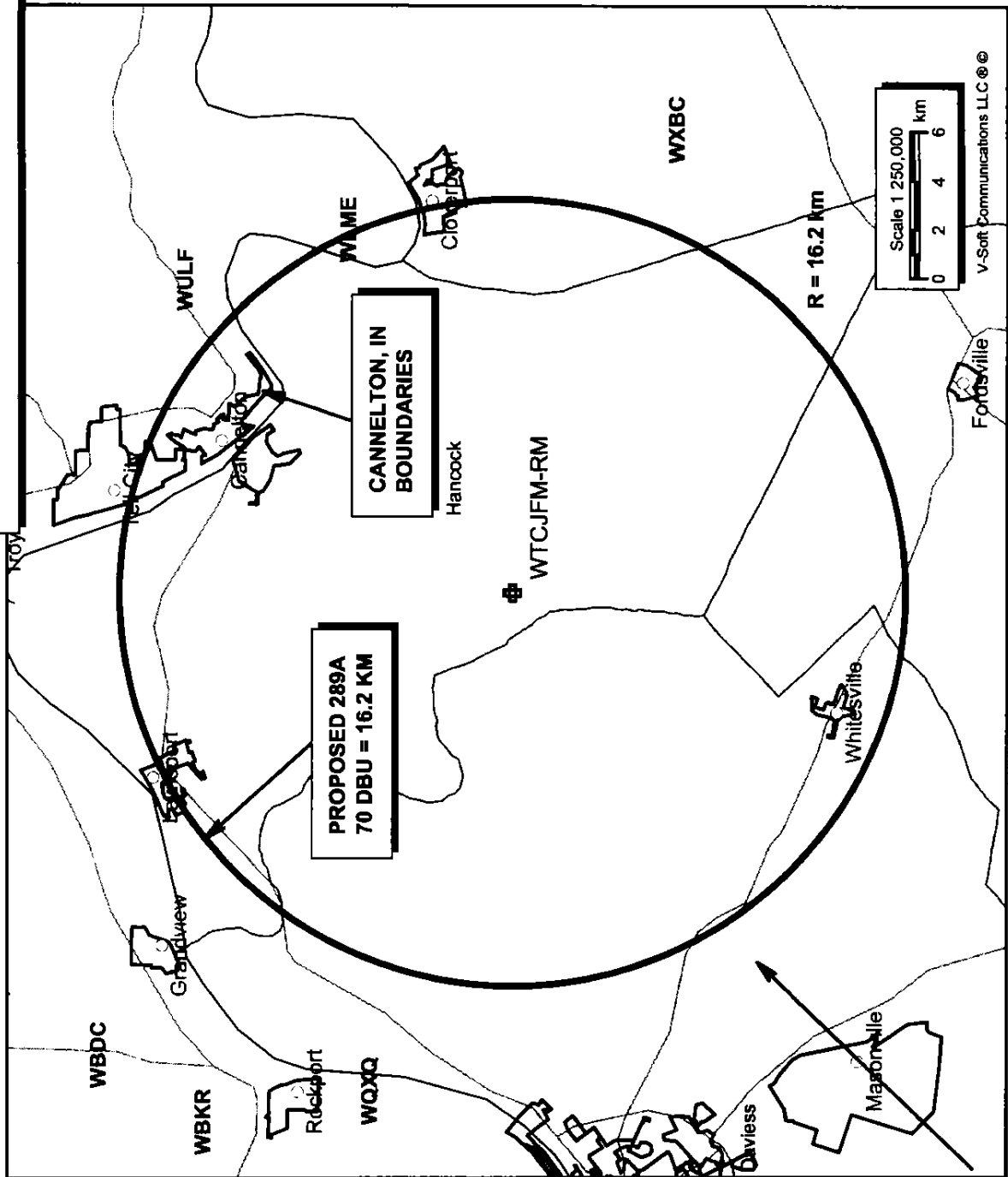
E-1A WTCJ-FM CANNELTON REFERENCE POINT

REFERENCE
37 48 13 N
86 48 57 W

CLASS = A
Current Spacings
Channel 289 - 105.7 MHz

DISPLAY DATES
DATA 03-20-04
SEARCH 03-25-04

Call	Channel	Location	Dist	Azi	FCC	Margin
WTCJFM	APP 289A	Tell City	IN 3.09	253.1	115.0	-111.91
WTCJFM	APP-Z 289A	Tell City	IN 8.58	323.0	115.0	-106.42
WTCJFM	LIC-Z 289A	Tell City	IN 15.88	31.2	115.0	-99.12
WUZR	LIC 289A	Bicknell	IN 115.28	333.4	115.0	0.28
WKYA	LIC-D 288A	Greenville	KY 75.94	207.4	72.0	3.94
WJLT	LIC 287B	Evansville	IN 76.21	294.0	69.0	7.21
WLVK	LIC 288A	Fort Knox	KY 79.77	91.4	72.0	7.77
WXMZ	LIC 292A	Hartford	KY 40.65	190.4	31.0	9.65
WRVI	LIC 290A	Valley Station	KY 84.65	65.2	72.0	12.65
WNRQ	LIC 290C	Nashville	TN 196.22	180.9	165.0	31.22
WDKS	LIC 291A	Newburgh	IN 64.71	278.6	31.0	33.71
WTSZFM	LIC 289A	Eminence	KY 155.45	66.3	115.0	40.45
RADD	ADD 288A	Springville	AL 118.17	165.0	72.0	46.17
WYXB	LIC-Z 289B	Indianapolis	IN 229.15	17.6	178.0	51.15
WQRK	LIC 288A	Bedford	IN 126.17	13.5	72.0	54.17
WKMO	LIC 292A	Hodgenville	KY 95.69	98.5	31.0	64.69
WLRS	LIC-N 286A	Shepherdsville	KY 96.06	73.2	31.0	65.06
WOKZ	LIC 290A	Fairfield	IL 147.07	296.3	72.0	75.07
RADD	ADD 236C0	Bowling Green	KY 113.46	150.6	25.0	88.46
RDEL	DEL 236C0	Glasgow	KY 113.46	150.6	25.0	88.46
WGGC	LIC 236C0	Glasgow	KY 113.46	150.6	25.0	88.46
WYNG	LIC 235B	Mount Carmel	IL 107.91	308.2	15.0	92.91
WVOV	LIC-N 287C3	Glasgow	KY 138.33	135.3	42.0	96.33
WWVY	LIC 291B	North Vernon	IN 170.64	34.3	69.0	101.64
KPNT	LIC 289C	St. Genevieve	MO 335.13	279.1	226.0	109.13
WREZ	LIC 288A	Metropolis	IL 181.36	247.8	72.0	109.36
WMPI	LIC 287A	Scottsburg	IN 141.20	44.0	31.0	110.20
ALLO	VAC 290A	Burgin	KY 187.06	89.1	72.0	115.06
WQRL	LIC 292B1	Benton	IL 164.73	275.5	48.0	116.73
WVVR	LIC 288A	west Terre Haute	IN 191.83	343.0	72.0	119.83



E-1B

WTCJ-FM

70 DBU

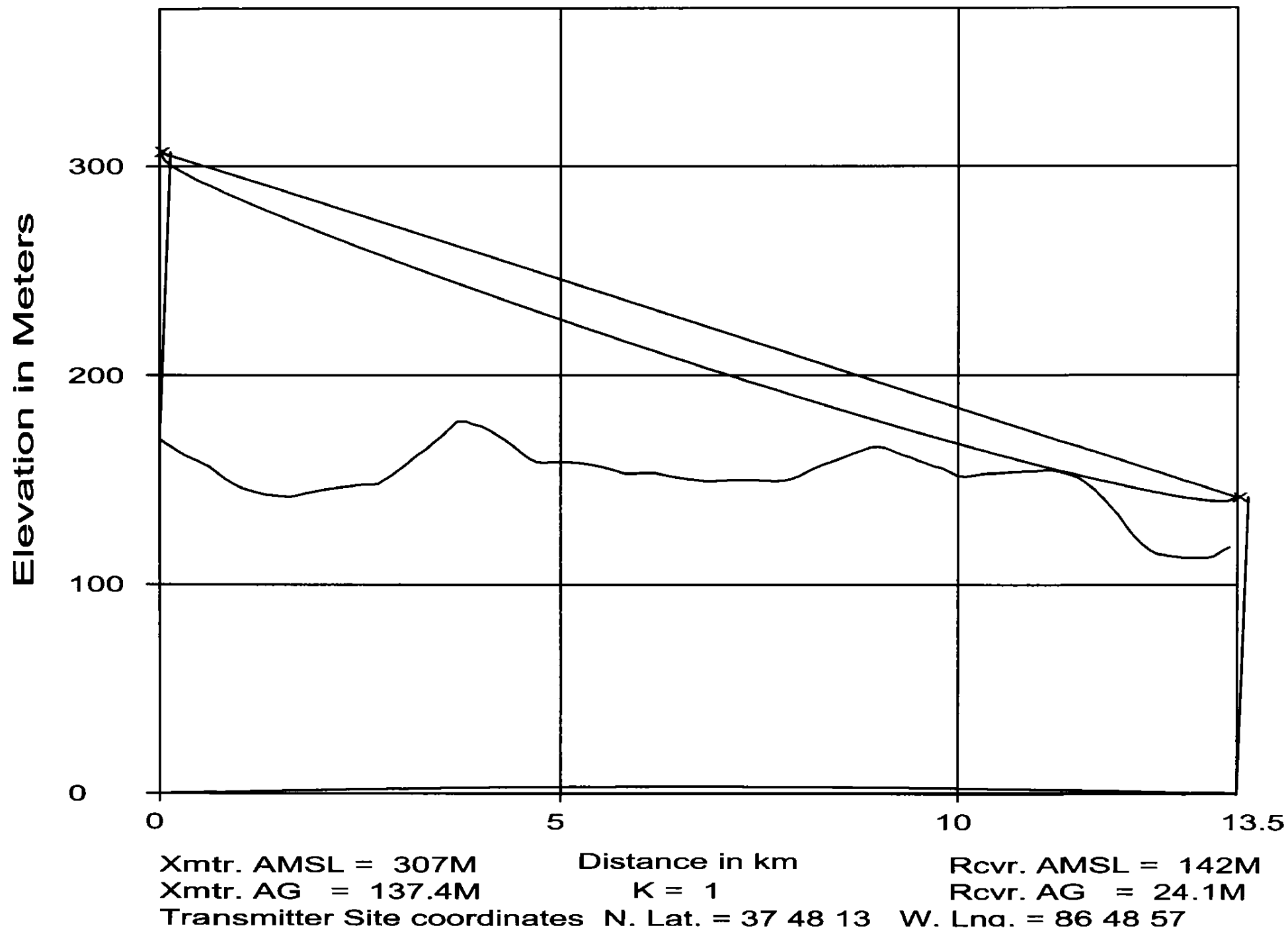
INCLUDES

ALL OF

CANNELTON, IN

TERRAIN PROFILE AT 27.6 DEGREES T.

E-1C

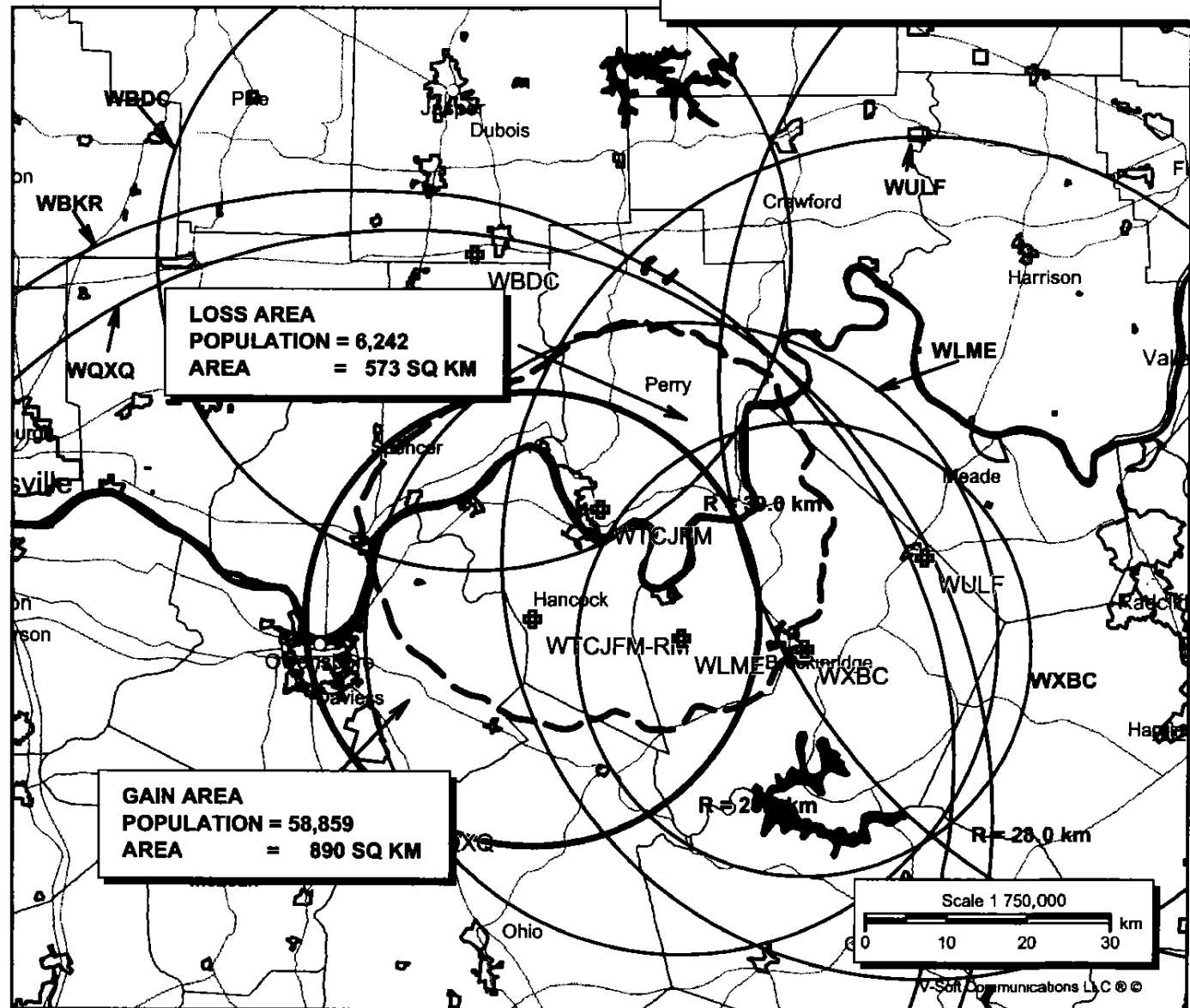


CHARLES M. ANDERSON AND ASSOCIATES

E-1D

WTCJ-FM

LOSS AREA
CONTINUES
TO RECEIVE
5 OR MORE
60 DBU FM
SERVICES



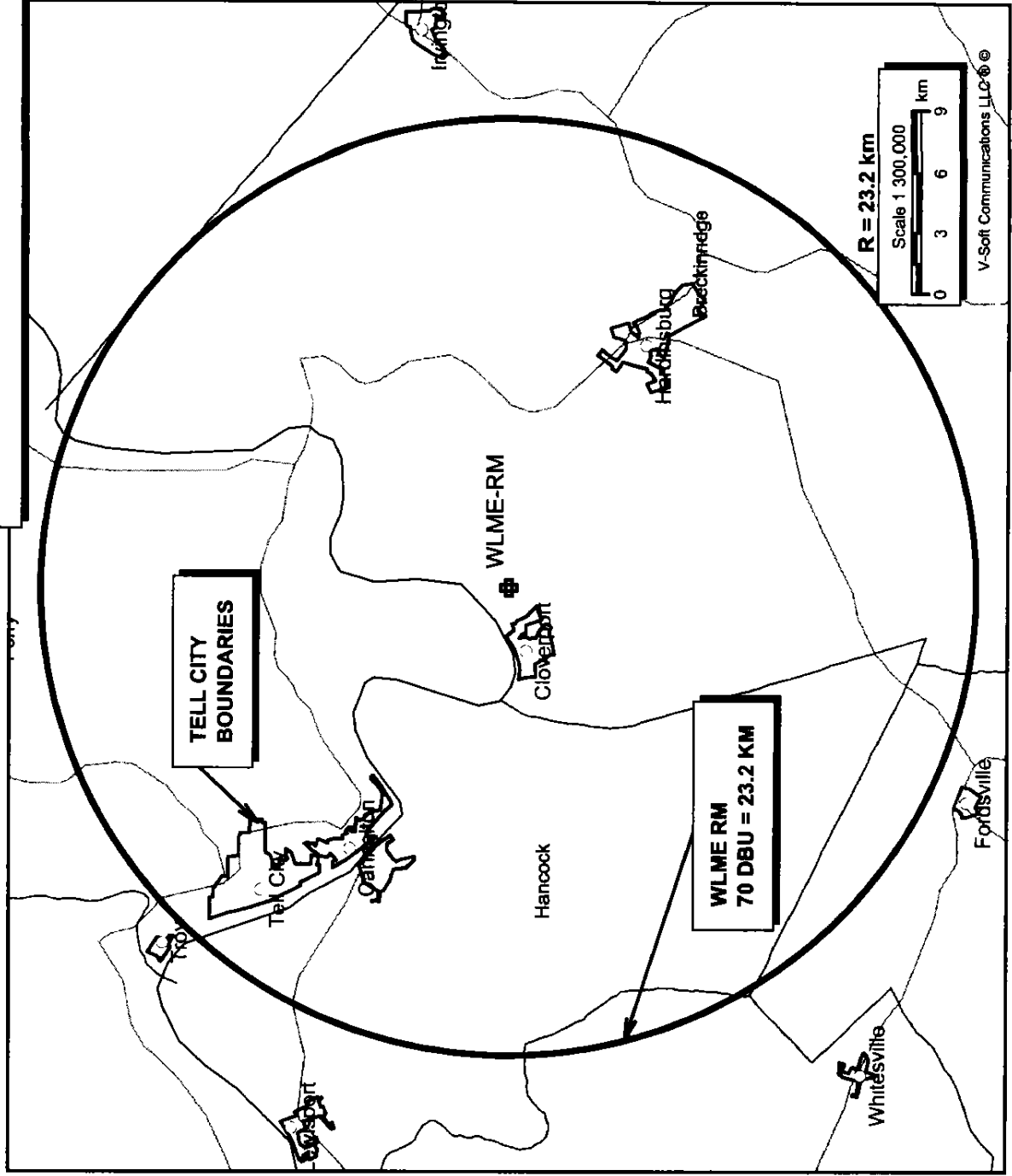
E-2A WLME-TELL CITY ALLOCATION STUDY

REFERENCE
37 50 28 N
86 35 50 W

CLASS = C3
Current Spacings
Channel 275 - 102.9 MHz

DISPLAY DATES
DATA 03-20-04
SEARCH 03-25-04

Call	Channel	Location	Dist	Azi	FCC	Margin
WLME	LIC 275C3	Cannelton	IN 6.56	187.7	152.5	-145.94
WGBFFM	LIC 276A	Henderson	KY 90.59	266.1	88.5	2.09
WRKA	LIC-Z 276A	St. Matthews	KY 92.02	58.7	88.5	3.52
WAXL	LIC 277A	Santa Claus	IN 48.68	327.1	41.5	7.18
WBUZ	LIC 275C1	La Vergne	TN 226.48	180.6	210.5	15.98
ALLO	RSV 275C1	La Vergne	TN 226.48	180.6	210.5	15.98
WYGB	LIC-D 275A	Edinburgh	IN 159.36	20.2	141.5	17.86
WYGB.A	APP-N 275A	Edinburgh	IN 163.25	15.0	141.5	21.75
WAKYFM	LIC-N 274A	Springfield	KY 113.83	97.8	88.5	25.33
WGRKFM	LIC 276A	Greensburg	KY 115.32	123.8	88.5	26.82
WASE	LIC-N 278C3	Radcliff	KY 77.53	86.6	42.5	35.03
WBOWFM	LIC 274B	Terre Haute	IN 182.50	335.8	144.5	38.00
WXMA	LIC 272A	Louisville	KY 86.04	58.4	41.5	44.54
WAKOFM	LIC 276A	Lawrenceville	IL 134.63	317.1	88.5	46.13
WWEF	LIC 273A	Mitchell	IN 89.32	8.0	41.5	47.82
WMJLFM	LIC 274A	Marion	KY 141.36	247.1	88.5	52.86
WCLUFM	LIC-N 272A	Munfordville	KY 94.82	140.8	41.5	53.32
WBTOFM	LIC 272A	Petersburg	IN 95.89	321.0	41.5	54.39
KEZSFM	LIC 275C1	Cape Girardeau	MO 266.16	260.4	210.5	55.66
RDEL	DEL 275A	Mount Vernon	KY 197.43	104.0	141.5	55.93
ALLO	VAC 275A	Mount Vernon	KY 197.46	104.0	141.5	55.96
WKWY	LIC-N 274A	Tompkinsville	KY 148.19	146.6	88.5	59.69
WEBN	LIC-N 274B	Cincinnati	OH 231.23	51.5	144.5	86.73
WSOYFM	LIC 275B	Decatur	IL 304.24	318.9	210.5	93.74
WXCH	LIC 276A	Versailles	IN 187.43	37.2	88.5	98.93
WZDM	LIC 221A	Vincennes	IN 118.88	322.3	11.5	107.38
WQZQFM	CP -N 273C1	Dickson	TN 182.95	200.3	75.5	107.45
WQZQFM	LIC-N 273C1	Dickson	TN 182.96	200.3	75.5	107.46
ALLO	RSV 273C1	Pegram	TN 183.16	200.8	75.5	107.66
WKDF	LIC 277C0	Nashville	TN 201.61	186.4	86.5	115.11



E-2B

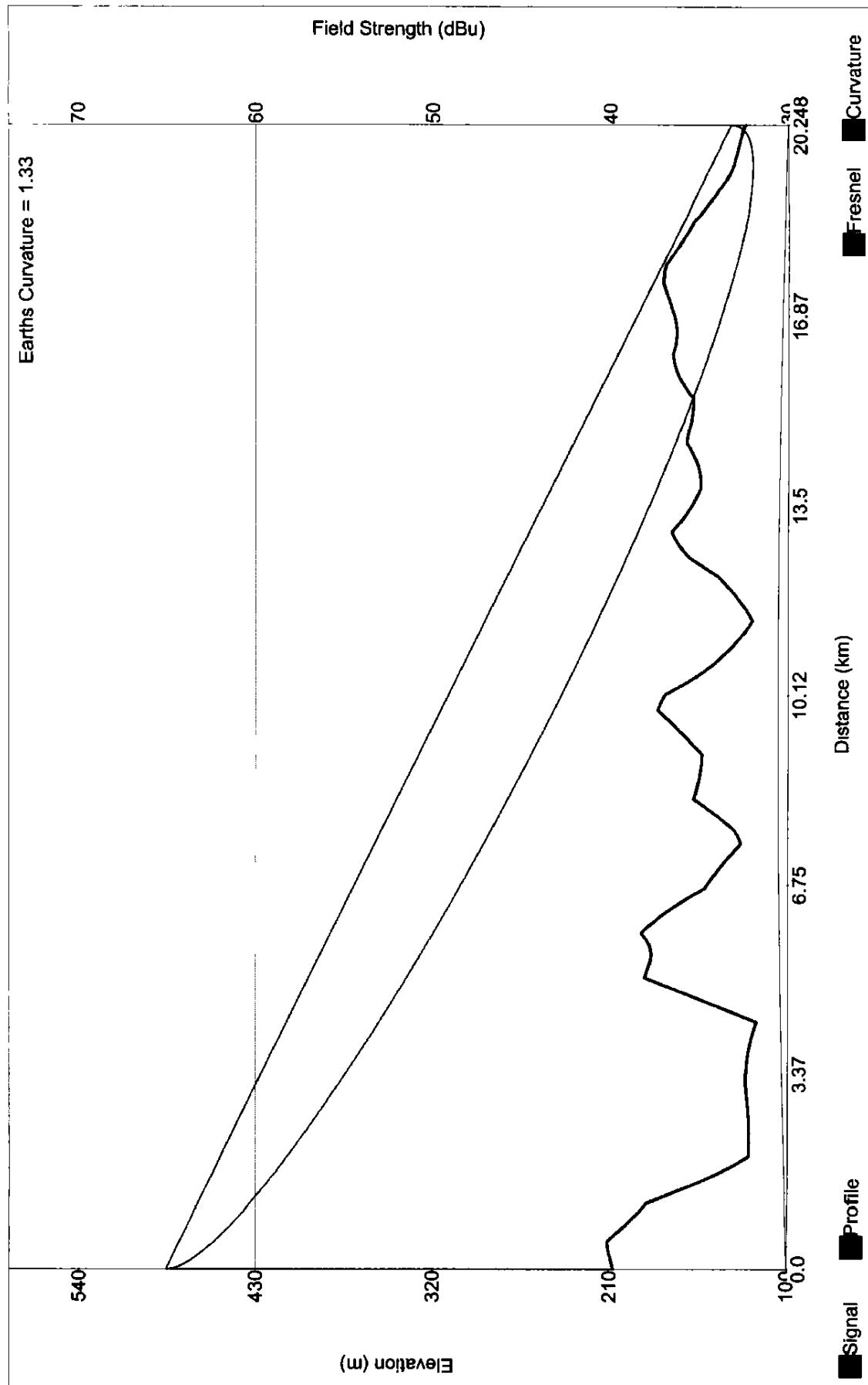
WLME 70 DBU
CONTOUR

WLME-RM
BLH19931126KC

Latitude 37-50-28 N

Longitude 086-35-50 W

E-2C WLME TELL CITY



Earths Curvature = 1.33

Distance: 20.247617620 km
Bearing: 292.535 deg

Frequency = 102.9 MHz
Fresnel Zone: 0.6

End Latitude: 37-57-05 N
End Longitude: 086-46-03 W

Transmitter Elevation = 207.7 m
Receiver Elevation = 126.2 m

Starting Latitude: 37-52-54 N
Starting Longitude: 086-33-17 W

Transmitter Height (AG) = 278.0 m
Receiver Height (AG) = 9.1 m

CHARLES M. ANDERSON AND ASSOCIATES

E-2D
WLME-RM
Latitude: 37-50-28 N
Longitude: 086-35-50 W

WVLM-E-RM

Latitude: 37-50-28 N

Longitude: 086-35-50 W

